

Message Text

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ACTION EB-07

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COMMERCE FOR GAREL

E.O. 11652: NA
TAGS: ETRD HK
SUBJ: HONG KONG BILATERAL AGREEMENT

REF: A. STATE 168880, B. GAREL TELECONS WITH KRAMER AND SHEPHERD

1. SUMMARY: VIEWS REFTEL MUCH APPRECIATED; HOWEVER, EFFORTS ON OUR PART TO MAKE ANY CHANGES OTHER THAN MOST ESSENTIAL TECHNICAL/LEGAL CORRECTIONS IN TEXT COULD RESULT IN UN-DESIRABLE DELAY IN RATIFICATION AND SIGNATURE. THIS BILATERAL IS IN MANY RESPECTS SUI GENERIS BOTH IN APPROACH AND SPECIAL USE OF TERMINOLOGY. AS SUCH, SOME TERMINOLOGY HAS BEEN DEVELOPED AND USED FOR THIS AGREEMENT ONLY. US DEL WILL, AS INDICATED BELOW, SEEK ALL CHANGES POSSIBLE, BUT DOES NOT BELIEVE ACCEPTANCE ALL RECOMMENDATIONS FEASIBLE. END SUMMARY.

2. RE PARAS 2, 3 AND 9 REFTEL, US DEL AGREES THAT SUGGESTED CHANGES BILATERAL PARA 13, WHICH PARALLEL ORIGINALLY DEVELOPED US LANGUAGE, MORE CONCISE AND ELEGANT. HOWEVER, THIS LANGUAGE WAS CHANGED DURING SOME 20 HOURS OF INTENSE NEGOTIATION AND ELUCIDATION WITH HK DEL AND

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SEVERAL HOURS OF CONSULTATION WITH US INDUSTRY ADVISORS TO BRING TEXT TO CURRENT STATE OF MUTUALLY UNDERSTOOD CLARIFY AND DEFINITIONAL PRECISION. HK DEL, US DEL AND US ADVISORS UNDERSTAND MEANING AND DEFINITIONS. AS NOTED IN BILATERAL PARA 11(B), MERGED CATEGORIES ARE TREATED AS SINGLE CATEGORIES, HENCE THE SUB-LIMIT PORTIONS THEREUNDER ARE REFERRED TO AS SUB-CATEGORIES

FOR THE PURPOSES OF THIS AGREEMENT AND SO SET OUT IN ANNEX A AND IN PARA 13(B). THE TERM, SUB-LIMIT, IS USED IN THIS AGREEMENT TO DESIGNATE A QUANTITY, WHILE SUB-CATEGORY IS HEREIN USED AS A DEFINITIONAL TERM. THUS, WHILE US DEL TAKES NOTE OF CONCERN EXPRESSED IN REFTEL, SUGGESTS TEXT BE VIEWED IN ABOVE LIGHT AND RECOMMENDS ACCEPTANCE AS WRITTEN.

3. RE PARA 4 REFTEL, SENTENCE ON CONCEPTS AND PROCEDURES IN PARA 13(D) DOES INDEED REFER TO PARA 8(B) AND 8(C). INTENT IS TO AVOID PRECISE REQUIREMENTS AND TIME FRAME FOR PROCEDURES AS OUTLINED FOR EA SYSTEM IN PARA 9(B) AND (C) AND TO REFER TO MORE GENERAL PROVISIONS OF PARA 8. THERE IS CONSIDERABLE DIFFERENCE IN THE CONCEPTS AND PROCEDURES IN PARAS 8 AND 9 IN TERMS OF REQUIREMENTS. DECISION TO USE PARA 8 RATHER THAN PARA 9 WAS DETERMINED IN COURSE OF NEGOTIATION. PARA 13(E) SHOULD ALSO BE CONSIDERED IN RELATION TO ABOVE.

4. RE THE COMMENTS IN PARAS 5, 7 AND 8 TO USE OF THE TERMS "CONSIGNMENTS", "COMBINATION OF CATEGORIES," AND "HEREOF-HERETO" RESPECTIVELY, US DEL WILL SEEK CHANGES WITH HK (MILLS) TODAY. WITH RESPECT TO "CONSIGNMENTS", HOWEVER, US DEL NOTES THAT LENGTHY DISCUSSION EARLIER OF HOW TO HANDLE, FOR STATISTICAL RECORDING PURPOSES, SHIPMENTS OF SUITS AS SUITS OR AS COMPONENTS THEREOF, LIMITED OFFICIAL USE

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LED TO WORD "CONSIGNMENTS." NO INTENT TO USE IT IN TERMS OF COMMERCIAL CONTRACT, OVERSHIP, OR DESIGNEE, BUT RATHER TO RECORD SUITS AS COMPONENTS WHETHER SHIPPED TOGETHER OR SEPARATELY IF IDENTIFIABLE AS SUITS. COLLECTION OF SUCH DATA WILL PERMIT US AND HKG AT END OF YEAR TO DETERMINE VOLUME OF COTTON SUITS, MALE AND FEMALE, TROUSER OR SKIRT VARIETY EXPORTED, AND CONSEQUENTLY TO DECIDE IN ACCORDANCE WITH BILATERAL PARA 15, WHETHER SEPARATE "SUIT" CATEGORY SHOULD BE REINCORPORATED INTO CATEGORY SYSTEM FOR HONG KONG.

6. RE PARA 6 AND KRAMER TELECON EXPLANATION, SUGGEST GAREL/COMMERCE REDRAFT MEMO TO ASSURE THAT MAXIMUMS SET FORTH IN ANNEX A CAN NOT BOTH BE FULLY (AS SET FORTH IN ANNEX A) USED IN INTRA-CATEGORY SHIFTS OF YARDAGE WITHIN CERTAIN MERGED CATEGORIES. TOTAL OF SHIFT SHOULD NOT EXCEED THAT SET OUT IN PARA 13(C) WITH THE APPROPRIATE DEDUCTIONS BEING MADE. VANDEN HEUVEL

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